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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/084,217	02/28/2002	Eckhardt Harald	Q68604	5098

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EXAMINER

TSEGAYE, SABA

ART UNIT	PAPER NUMBER
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2616

DATE MAILED: 05/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/084,217	Applicant(s) HARALD, ECKHARDT	
	Examiner Saba Tsegaye	Art Unit 2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This Office Action is in response to the amendment filed 2/14/06. Claims 1-13 are pending. Currently no claims are in condition for allowance.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the *first and second analyzer; third and fourth field; and first and second generator* must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will

be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1-13 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The specification fails to adequately describe what the third and the fourth field comprise. While the specification describes the content of the first and the second fields, it is silent about the third and the fourth fields. It is not clear what the third and the fourth fields are used for.

Claim Rejections - 35 USC § 102

5. Claims 1, 2, 4-8 and 10 are rejected under 35 U.S.C. 102(e) as being anticipated by Matsuzawa et al. (2003/0067929 A1).

Regarding claims 1, 5 and 7, Matsuzawa discloses, in Figs. 1-4, a network-unit for use in a telecommunication network and comprising

- at least one input (321, 331) for receiving a signal comprising a first field (cut-through label identifier in the OUI field of the SANP header; steps 403-409) which is directly analyzable

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(paragraph 0099) and a second field (not cut-through declarator) network which is analyzable after a processing (0085; 0089; 403-404),

- a first analyzer (341) coupled to said at least one input for analyzing first information originating from said first field (0093),

- a processor (301, 305) for performing said processing of second information originating from said second field (0090), and

- a second analyzer (306) coupled to said processor for analyzing processed second information (0090),

- at least one output for sending a further signal to a further network-unit and comprising a third field, which is directly analyzable, and a fourth field which is analyzable after a processing in said further network-unit (0131),

wherein said first analyzer (341) is coupled to said processor for, in dependence of an analysis result of said first information, selecting at least one output and switching at least a port of said signal to said selected output or performing said processing, with said first information comprising non-address information, and with said second information comprising address information defining further network-units (0086-0088).

Regarding claims 2, 6 and 8, Matsuzawa discloses network unit wherein the network unit further comprises:

- a first generator coupled to said at least one output for generating said third information (steps 405-409; 0101), and

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- a second generator (361) coupled to said at least one output for generating said fourth information (processing unit 361 overwrites the MAC header information, LLC header information, and /or SNAP header information and directly transfers the MAC frame to the output interface without passing the datagram processing unit 301 (0096)).

Regarding claims 4, and 10, Matsuzawa discloses network unit wherein the processing corresponds with de-fragmentation, decompression, demultiplexing and/or table consultation (371, 303, 304).

Regarding claim 11, the network-unit wherein the first field comprises layer 2 header (0082) and wherein the second field comprises a layer 3 header (0085; 0090).

Regarding claim 12, Matsuzawa discloses the network-unit wherein the first field comprises a plurality of subfields (101, 102, 103), wherein one of the pluralities of subfields comprises the first information (cut-through label identifier).

Regarding claim 13, Matsuzawa discloses the network unit wherein the first field is the first occurring field among a plurality of fields (see figs 1 and 2) of a packet of the signal (cut-through label identifier).

Claim Rejections - 35 USC § 103

6. Claims 3 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsuzawa et al. in view of Mauger et al (EP 1001577 A1).

Matsuzawa discloses all the claim limitations as stated above. Further, Matsuzawa discloses that datagram processing unit 201 has a function for carrying out the processing to determine a router or host to which the packet is to be transferred next and a corresponding network connection interface, according to **a destination information** of datagram such as that of **IP** (claimed second field comprising an IP-address field for indicating an IP-address; column 6, lines 42-51). However, Matsuzawa does not expressly disclose that the first field comprises a quality field for indicating a quality.

Mauger teaches that at an IP network incorporating a plurality of nodes. At each node, a current packet label is used to determine the onward routing of the packet. The label is typically 4 bytes length comprising a 3-bit class of service field to maintain QoS differentiation (see fig. 2).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Matsuzawa's first field to comprise a quality field, as thought by Mauger. Doing so allows a number of priorities levels to be defined as well as enables the provision of quality of services guarantees to the admitted traffic.

Response to Arguments

7. Applicant's arguments with respect to claims 1-13 have been considered but are moot in view of the new ground(s) of rejection.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Saba Tsegaye whose telephone number is (571) 272-3091. The examiner can normally be reached on Monday-Friday (7:30-5:00), First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doris To can be reached on (571) 272-7629. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ST
May 5, 2006



**DORIS H. TO
SUPERVISORY PATENT EXAMINER
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